

BOX PCT  
PATENT  
2185-156PCT

## IN THE U.S. PATENT AND TRADEMARK OFFICE

APPLICANT: John E. BOYNTON, et al.  
INTERNATIONAL APPL. NO.: PCT/US96/20415  
APPL. NO.: 09/331,723  
FILED: June 25, 1999  
FOR: METHODS OF CONFERRING PPO-  
INHIBITING HERBICIDE  
RESISTANCE TO PLANTS BY GENE  
MANIPULATION

LETTER SUBMITTING ADDITIONAL DOCUMENTS FOR  
ENTERING NATIONAL PHASE FOR A PCT APPLICATION

BOX PCT  
Assistant Commissioner for Patents  
Washington, DC 20231

August 18, 1999

Sir:

Under the provisions of 37 C.F.R. § 1.494 or 37 C.F.R. § 1.495, attached hereto are the following additional items necessary for entering the national phase in connection with the above-identified PCT international application.

- ☒ Executed Declaration and Power of Attorney.
- ☒ Original      ☐ Photocopy
- ☐ The specification attached to the executed Declaration and Power of Attorney is a true copy of the specification which was filed in the U.S. Patent and Trademark Office on June 25, 1999, including any amendments thereto (if applicable) filed on even date therewith.

☒ The undersigned hereby declares that "Attorney Docket No. 2185-156PCT" on page 1 of the attached inventors' Declaration corresponds to Appl. No. 09/331,723 filed June 25, 1999 entitled "METHODS OF CONFERRING PPO-INHIBITING HERBICIDE RESISTANCE TO PLANTS BY GENE MANIPULATION."

☐ English language specification, claims, and Abstract with ( ) sheets of drawings.

☐ Attached hereto is a Statement Claiming Small Entity Status (☐ original ☐ photocopy).

☒ Attached is a copy of Form PCT/DO/EO/905.

☐ \_\_\_\_\_  
\_\_\_\_\_

☐ No extension fee is required because the undersigned has not yet received the Notification of Missing Requirements (Form PCT/DO/EO/905). However, if for some reason it is determined that an extension of time is necessary, applicant hereby respectfully petitions for an extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17.

☐ Applicant(s) hereby respectfully petitions for ( ) month(s) extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17. The required fee of \$0.00 is attached hereto.

Appl. No. 09/331,723

The Government Filing Surcharge in the amount of \$130.00 in accordance with 37 C.F.R. §§ 1.494 and 1.492 was previously paid for concurrently with the filing of the application on June 25, 1999.

- ☒ Submitted concurrently herewith **under separate cover** for recording is an Assignment.
- ☐ A check in the amount of \$0.00 to cover the above-mentioned fees is enclosed.
- ☐ A Fee of \$0.00 to cover the increase in fees of the filing Surcharge is enclosed.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Gerald M. Murphy, Jr., #28,977

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GMM/ntb  
2185-156PCT

Attachments

(Rev. 03/30/99)

09/331723



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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09/331,723

BOYNTON

INTERNATIONAL APPLICATION NO. 8185-186PCT

5071

BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
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PCT/US96/20415

I.A. FILING DATE	PRIORITY DATE
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DATE MAILED: 12/27/96 00/00/00  
28 JUL 1997

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494), ☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☐ a non-English language.

☒ English.

☐ Translation of the international application into English.

☐ Oath or Declaration of inventor(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed 25 JUN 1999 and 25 JUN 1999

☒ Information Disclosure Statement(s) filed 25 JUN 1999 and 25 JUN 1999

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed                     

☐ Statement Claiming Small Entity Status.

☐ Priority Document.

☒ Copy of the International Search Report ☐ and copies of the references cited therein.

☐ Other:                     

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$                      as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice *MUST* be returned with this response.**

Enclosed: ☐ PCT/DO/EO/917  
☐ PTO-875

☐ Notice of Defective Translation

Deborah Williams *DW*  
National Stage Processing

FORM PCT/DO/EO/905 (December 1997)

Telephone: (703) 305-3744

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DOCKFIED  
8-28-99